



Missouri
Department of
Natural Resources

DAM AND RESERVOIR SAFETY COUNCIL MEETING
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF GEOLOGY AND LAND SURVEY MULTIPURPOSE ROOM, ROLLA,
MISSOURI

June 21, 2006

The meeting was called to order by Mr. Frueh, Chairman.

Council members present were Gene Hites, Gerald Engemann, Ron Fox, David Hamilton, Thomas Myers and Jeff Cawlfeld. Members of the Water Resources Center (WRC) present were Jim Alexander, Tammy Theilen, Glenn Lloyd, Bob Clay, Kevin James, Paul Simon and Mike Wells, Department Deputy Director. Representing the Attorney General's Office was Don Willoh, Assistant Attorney General.

INTRODUCTION OF GUESTS

There were no guests present.

MINUTES OF THE MARCH 8, 2006 COUNCIL MEETING

Mr. Frueh asked if anyone had any comments regarding the March 8, 2006 council meeting minutes. Mr. Fox made a motion to accept the minutes of the March 8, 2006 meeting as written. Mr. Hites seconded the motion and the motion passed.

OUTGOING COUNCIL MEMBER RESOLUTION

Mr. Alexander recognized outgoing council member, Zoretta Schoonover. Mrs. Schoonover was not in attendance so Mr. Alexander read the resolution for her to the council. Mr. Frueh asked for a motion to accept the resolution. Mr. Cawlfeld made a motion to accept the resolution as written. Mr. Fox seconded the motion and it passed.

COUNCIL ORIENTATION

Mr. Alexander gave a power point presentation to the council for the benefit of the new council members. This presentation explained the various functions of the Water Resources Center and how the Dam and Reservoir Safety Program fits into the Center.

STATUS OF PERMITS

The council was updated on the number of permits that the program has issued since the last meeting, the new dams that are currently under construction, and where the program stands with regard to bringing the total number of regulated dams into compliance.

COUNCIL NOTICE OF VIOLATION

KEUSS DAM – Washington County - The council was given a brief history of the dam and the problems associated with it. The owner has been notified that his dam is not in compliance with the Dam Safety Law. Each time the owner is notified, he responds by indicating the work will be done. To date, no remedial action has been taken with regard to this violation.

Mr. Fox made a motion to refer the matter to the Attorney General's Office. Mr. Myers seconded and the council began discussion of the motion. After some discussion, Mr. Myers withdrew his second to Mr. Fox's motion. Mr. Fox then withdrew his motion. After additional discussion, Mr. Fox motioned that the owner be issued a Council Notice of Violation (CNOV) with a condition that the owner drain the lake. This motion did not receive a second. Upon further discussion, Mr. Fox moved to issue a Council Notice of Violation with a condition requiring the owner to lower the lake. The draw down was to be achieved by opening the lake drain valve that is attached to the primary spillway drop inlet pipe. The amount of draw down would be dependent upon the elevation of the valve but was not to exceed 10-feet. Mr. Myers seconded the motion and it passed.

AGRICULTURAL EXEMPTION

HUTCHISON DAM – Macon County – Mr. Alexander gave a brief history of the dam and the original exemption request. Prior to the meeting the owner had submitted additional information for the council to review. This information included documentation claiming that the lake was to be used for commercial fish rearing purposes. In support of this claim, a copy of a contract with Osage Fisheries to raise Paddlefish was provided. As this contract did not represent a binding agreement in that it had not been signed by both parties, Mr. Fox made a motion to deny the agricultural exemption request based on the application not having confirmed that the lake would be used primarily for agricultural purposes. Mr. Cawfield seconded the motion and it passed.

UPDATE ON AGRICULTURAL DAMS

Mr. Alexander directed the council to a list of agriculturally exempt dams in their packets. After some discussion the council decided that they would like to the program to move forward with the plan to review all of the exemptions that are in place to see if they still fall under the current agricultural exemption.

FY-2006 BUDGET

Mike Wells updated the council on the status of the FY-07 budget. The Governor has signed the budget for the Department of Natural Resources. Mr. Wells discussed the dam safety legislation that did not pass this session. He reported that it is possible that this legislation could be introduced again this year.

DATE AND LOCATION OF NEXT COUNCIL MEETING

The next meeting of the Dam and Reservoir Safety Council will be September 20, 2006 at 10:00 a.m. at the Department of Natural Resources multi-purpose room in Rolla, Missouri.

VOTE TO GO INTO CLOSED SESSION AT THE BEGINNING OF THE NEXT MEETING

Mr. Cawlfeld made a motion that the Dam and Reservoir Safety Council meet in closed session at 10:00 a.m. on September 20, 2006 at the next regular council meeting for the purpose of discussing personnel actions, legal actions, causes of action, or litigation, confidential and privileged matters with the council's attorney, testing and examination, personnel records or applications or records which are otherwise protected from disclosure by law as provided for in Section 610.021, RSMo.

Mr. Fox seconded the motion.

Roll Call vote: Gene Hites, yes; Gerald Engemann, yes; Jeff Cawlfeld, yes; Ron Fox, yes; David Hamilton, yes and Thomas Myers, yes. Motion carried to move into closed session at the meeting on September 20, 2006.

MEETING ADJOURNED

Mr. Fox made a motion to adjourn the meeting. Mr. Hites seconded the motion and it passed.

Respectfully Submitted,

Tammy Theilen